

MINNEAPOLIS CHARTER COMMISSION

2013 ANNUAL REPORT

To: The Honorable Peter A. Cahill, Chief Judge
Hennepin County District Court

From: Barry Clegg, Chair
Minneapolis Charter Commission

1. MEMBERSHIP

In January, 2013, there were 15 members of the Minneapolis Charter Commission. During 2013, the following changes took place in the membership:

- Commissioner Richard Gerdes resigned on May 18, 2013
- Denny (DJ) Heinle was appointed for a term to expire July 1, 2014 (filling the unexpired term of Richard Gerdes)

The year ended with a membership of 15 Commissioners. Appendix A, attached, shows the Charter Commission roster as of December 31, 2013, with relevant data regarding appointments, terms, and expiration dates.

2. OFFICERS

Officers were elected on January 2, 2013, as follows:

- Barry Clegg, Chair
- Jan Sandberg, Vice Chair
- Lyall Schwarzkopf, Secretary

3. STAFF

Assistance was provided by the following City staff:

- Susan Segal, City Attorney
- Peter Ginder, Deputy City Attorney
- Burt Osborne, Assistant City Attorney
- Casey Joe Carl, City Clerk
- Peggy Menshek, Council Committee Coordinator

4. MEETINGS

The Charter Commission held 11 regular meetings in 2013.

A Plain Language Charter Education and Outreach Committee was formed on February 6, 2013 to educate the public on the ballot questions relating to the Plain Language Charter. The committee met on April 17, May 21, June 13, and August 23, 2013.

5. ATTENDANCE

Appendix B, attached, depicts the attendance record of Commissioners during 2013.

6. RULES

Appendix C, attached, contains the Rules of the Minneapolis Charter Commission, as revised on August 7, 2013 to change the notice period for special meetings of the Charter Commission from 5 days to 3 days.

7. ISSUES CONSIDERED

- Plain Language Charter Revision (January 2, February 6, March 6, April 3, May 1, June 5, July 10, August 7, September 4, October 2, November 6)
- Proposed Charter amendment submitted by Commissioner Rice relating to holding municipal elections in even-numbered years (February 6)
- Plain Language Charter Education and Outreach (February 6, March 6, April 3, May 1, June 5, July 10, August 7, September 4, October 2)
- Ethics Training Session led by City's Ethics Officer Susan Trammell (March 6)
- Robert's Rules of Order Session led by former Commissioner Brian Melendez (March 6)
- Proposed Charter Amendment relating to the filing fee for candidates for city election (March 6, November 6)
- Amendment to Charter Commission Rule 2.2.1 changing the notice period for special meetings of the Charter Commission from 5 days to 3 days (August 7)

8. SPEAKERS

The following individuals addressed the Charter Commission in 2013:

- Casey Carl, Minneapolis City Clerk, regarding the 2013 municipal election, voting equipment, and ranked-choice voting (February 6, September 4)
- Judy Schwartau, Minneapolis Elections Specialist, regarding Voter Error Accounting Chart (February 6)
- Susan Trammell, Assistant City Attorney/City Ethics Officer regarding the requirements of the City's Ethics Ordinance (March 6)
- Former Charter Commissioner Brian Melendez regarding Robert's Rules of Order (March 6)
- Casey Carl, City Clerk, regarding proposed Charter amendment relating to election filing fees (March 6)

9. CHARTER AMENDMENTS BY PETITION

There were no Charter amendments by petition in 2013.

10. CHARTER AMENDMENTS BY ORDINANCE

There were no Charter amendments by ordinance in 2013.

11. CHARTER AMENDMENTS BY REFERENDUM

The following questions were placed on the November 5, 2013 ballot:

- a) "Shall the Minneapolis City Charter be amended in the form of a complete revision which (1) modernizes the Charter; (2) redrafts its provisions for brevity and in plain language; (3) reorganizes the Charter into nine articles, and groups related provisions together; (4) removes from the Charter certain provisions for possible enactment into ordinance; and (5) retains the current role and relationships of City boards and commissions?"

The following is the result of the vote:

Yes:	52,225	(79.66%)
No:	13,338	(20.34%)

- b) "Shall the Minneapolis City Charter provisions relating to the sale of liquor and wine be amended by reorganizing and rewriting in plain modern language?"

The following is the result of the vote:

Yes:	57,980	(85.85%)
No:	9,556	(14.15%)

APPENDIX A
2013 MINNEAPOLIS CHARTER COMMISSION ROSTER

Commissioner	Phone	Appointed Date Appointed By	Term	Expiration Date
Clegg, Barry, Chair barry@bfclegg.com	612-986-4889	05/2003 - Judge Burke 04/20/2007 - Judge Wieland 05/02/2011 - Judge Swenson	Serving first term Serving second term Serving third term	May 1, 2007 May 1, 2011 May 2, 2015
Cohen, Dan cohendan1@msn.com	612-374-1530	05/04/2011 - Judge Swenson	Serving first term	May 4, 2015
Connell, Corbin corbinconnell@gmail.com		03/26/2006 - Judge Wieland 05/14/2010 - Judge Swenson	Serving first term Serving second term	May 10, 2010 May 10, 2014
Dolan, Margaret xmargedolan@comcast.net		10/20/1998 - Judge Mabley 04/29/2002 - Judge Burke 05/22/2006 - Judge Wieland 03/24/2010 - Judge Swenson	Filled unexpired term of Francis Connolly Serving first term Serving second term Serving third term	March 26, 2002 March 26, 2006 March 26, 2010 March 26, 2014
Ferrara, Todd todd.ferrara@standardheating.com	612-436-2351	03/19/2004 - Judge Burke 07/21/2004 - Judge Burke 04/30/2008 - Judge Wieland 06/17/2010 - Judge Swenson	Filled unexpired term of Pete Rhodes Serving first term Serving second term Serving third term	July 1, 2004 July 1, 2008 July 1, 2010 July 1, 2014
Heinle, Denny (DJ) dj.heinle@tkda.com		06/28/2013 - Judge Cahill	Filling unexpired term of Richard Gerdes	July 1, 2014
Johnson, Natonia johnson4d2@gmail.com		02/22/2011 - Judge Swenson	Serving first term	March 22, 2015
Kozak, Andrew kozak@nsamn.com		06/17/2010 - Judge Swenson	Serving first term	July 1, 2014
Lickness, Barbara blickness@yahoo.com		06/17/2010 - Judge Swenson	Serving first term	July 1, 2014
Metge, Jana singdancesavetheworld@gmail.com		05/2003 - Judge Burke 05/22/2006 - Judge Wieland 03/24/2010 - Judge Swenson	Filled unexpired term of Steven Johnson Serving first term Serving second term	March 26, 2006 March 26, 2010 March 26, 2014
Peltola, Jeffrey jahp2691@yahoo.com		05/14/2010 - Judge Swenson	Serving first term	May 10, 2014
Rice, Devin devinpatrickrice@yahoo.com		10/22/2012 - Judge Cahill	Filling unexpired term of Barry Lazarus	June 1, 2014
Rubenstein, Andrea arubenstein@schaefelaw.com		03/26/2006 - Judge Wieland 05/14/2010 - Judge Swenson	Serving first term Serving second term	May 10, 2010 May 10, 2014

Commissioner	Phone	Appointed Date Appointed By	Term	Expiration Date
Sandberg, Jan, Vice Chair jfschartercomm@comcast.net		06/17/2010 - Judge Swenson	Serving first term	July 1, 2014
Schwarzkopf, Lyall, Secretary lyall@olsons.net	612-824-9293	05/10/2010 - Judge Swenson	Serving first term	May 10, 2014

Staff: Burt Osborne Assistant City Attorney 612-673-3847 burt.osborne@ci.minneapolis.mn.us
 Casey Joe Carl City Clerk 612-673-3765 casey.carl@ci.minneapolis.mn.us
 Peggy Menshek Charter Commission Coordinator 612-673-2287 peggy.menshek@ci.minneapolis.mn.us

Chief Judge Peter A Cahill 612-348-2040
 300 South 6th Street
 Minneapolis MN 55487

Appendix B
MINNEAPOLIS CHARTER COMMISSION
2013 ATTENDANCE RECORD

(Code: P = Present; A = Absent; E = Excused)

Name	01/02	02/06	03/06	04/03	05/01	06/05	07/10	08/07	09/04	10/02	11/06
Clegg, Barry	P	P	P	E	P	P	P	P	P	P	P
Cohen, Dan	P	P	P	P	P	E	P	P	P	P	P
Connell, Corbin	P	P	E	E	E	P	E	E	P	E	P
Dolan, Margaret	P	E	E	P	P	E	P	E	P	P	P
Ferrara, Todd	E	P	P	P	P	P	P	P	P	E	P
Gerdes, Richard	E	E	P	P	P	—	—	—	—	—	—
Heinle, DJ	—	—	—	—	—	—	P	P	E	P	P
Johnson, Natonia	P	P	P	E	P	E	P	P	E	P	E
Kozak, Andy	P	P	E	P	P	P	P	P	P	P	P
Lickness, Barbara	E	P	P	P	P	P	P	E	P	E	P
Metge, Jana	P	P	E	E	P	P	E	E	P	P	P
Peltola, Jeffrey	P	P	P	P	P	P	P	P	E	P	P
Rice, Devin	P	P	P	P	P	P	E	E	P	E	P
Rubenstein, Andrea	P	P	E	P	E	E	E	P	P	P	P
Sandberg, Jan	P	P	E	P	P	P	P	P	P	E	P
Schwarzkopf, Lyall	P	P	P	P	P	P	P	E	P	P	P

APPENDIX C
AMENDED RULES OF THE MINNEAPOLIS CHARTER COMMISSION

Revised 6/12/97, 1/7/04, 2/4/04, 10/6/10, and 8/7/13

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AMENDED RULES OF THE MINNEAPOLIS CHARTER COMMISSION
Revised 6/12/97, 1/7/04, 2/4/04, 10/6/10, and 8/7/13

Rule 1. Amended Rules of the Charter Commission ("Rules").

1.1 Except as otherwise specifically provided in these Rules, Robert's Rules of Order as most recently revised, is adopted as rules for the procedural conduct of meetings of the Charter Commission.

1.2 Except as otherwise provided in these Rules, an affirmative vote of two-thirds of the Commissioners present and voting shall be required to suspend or amend these Rules.

1.3 Every Commissioner of the Minneapolis Charter Commission shall be furnished with a current copy of the City Charter, Minnesota Statutes §§ 410, Minnesota Statutes §§ 13D (the Minnesota Open Meeting Law) and these Rules.

1.4 All meetings and communications by and among Commissioners shall comply with the Minnesota Open Meeting Law. Unless prohibited by the Minnesota Open Meeting Law, notice relating to Commission business, but not the business itself, may be by any communication by and among the Charter Commission Coordinator and the Commissioners or by and among the Commissioners shall be lawful whether communicated in person, by phone conference, conference call, video conference, written letter, email, voicemail, or facsimile.

1.5 Any Commissioner may be considered in attendance at a regular or special meeting of the Commission if such Commissioner is off-site of the actual meeting place but is able to communicate with other Commissioners in attendance by video conference and, if a quorum exists, in physical attendance at the meeting site. All meetings must comply with the Minnesota Open Meeting Law.

1.6 A quorum shall consist of a majority of duly appointed Commissioners of the Charter Commission. If a quorum is no longer present at a duly convened meeting, the Commission may continue to receive oral or written reports and to allow speakers, but the Commission may not consider any resolution or motion or conduct any other Commission business for which a vote of the Commissioners is required.

1.7 Whenever in these Rules the signatures of Commissioners who vote in the affirmative are required, it shall be sufficient, and in lieu of such signatures when such vote is taken by roll call, if the Chairperson and the Commission Coordinator certify, on a form approved by the City Attorney, that the attached record of the roll call is an accurate account of the votes cast.

Rule 2. Meetings.

2.1 Regular Meetings.

2.1.1 The Commission shall regularly meet monthly on the first Wednesday that is not a state or federal holiday, at 4:00 p.m., at the Minneapolis City Hall, Minneapolis, Minnesota, unless the Commission selects a different time or site, or both, as coordinated by the Charter Commission Coordinator under Rule 2.1.9.

2.1.2 There shall be a set agenda for each meeting, which will be proposed by the Chairperson but which may be amended by a majority vote of the Commissioners present and voting prior to the adoption of the agenda at the beginning of each meeting or by a two-thirds majority vote of the Commissioners present and voting at any time thereafter. The proposed agenda shall be prepared by the Charter Commission Coordinator who shall use his/her best efforts to transmit such agenda to the Commissioners and post the agenda online, with the minutes of the last meeting, at least one week prior to the next Commission meeting.

2.1.3 The Commission customarily adjourns after thirty minutes if no quorum is present, but a majority of the Commissioners present may adjourn such a meeting where no quorum is present at an earlier or later time.

2.1.4 In accordance with the Minnesota Open Meeting Law, only an occasion at which a quorum is present and Commission business is discussed, shall constitute a Commission meeting.

2.1.5 Routine communications, such as excused absences which have been received by the Charter Commission Coordinator prior to the scheduled time of a Commission meeting, shall be noted and appear in the minutes of the meeting.

2.1.6 Each Commissioner shall use his/her best efforts to provide the Charter Commission Coordinator with notice of inability to attend and the reason therefore at least 24 hours prior to the time of a scheduled meeting. Excused absences may be based on, among other things, conflicts with a Commissioner's work, medical problems, a family emergency, or weather. Excused absences may be granted by the Chairperson or his or her designee within 24 hours after the adjournment of a scheduled meeting under special circumstances.

2.1.7 After three consecutive unexcused absences, the Chairperson of the Commission shall inform the absent Commissioner, by letter, of Chapter 410.05, Subd. 2, which states:

"When any member has failed to perform the duties of office and has failed to attend four consecutive meetings without being excused by the Commission, the secretary of the Charter Commission shall file a certificate with the court setting forth those facts and the District Court shall thereupon make its order of removal and the Chief Judge shall fill the vacancy created thereby."

2.1.8 If it is apparent to the Chairperson prior to a scheduled meeting that a quorum will not be able to be present at the scheduled time of such meeting, the Chairperson may cancel a scheduled meeting and direct the Charter Commission Coordinator to transmit in any available manner written notice (or an equivalent) to the Commissioners of such cancellation. The Chairperson may also coordinate through the Charter Commission Coordinator a substitute date and location for a meeting prior to the next scheduled meeting but such notice must comply with statutory requirements and be mailed or otherwise transmitted in any available manner at least five days prior to the rescheduled meeting.

2.1.9 When the Commission's regularly scheduled business is concluded or otherwise during the meeting as determined by the Chairperson, observers in the audience may be heard, provided such observer identifies herself/himself, sets forth his/her address and whether such speaker is speaking as an advocate on behalf of a third party (whose complete name and address should then be provided) or is speaking on his/her own behalf. The Chairperson may set reasonable time limits for speakers in his or her discretion. Preference shall be given to observers who wish to speak if such observers are residents of the City of Minneapolis. Thereafter, any observers who are non-residents of the City of Minneapolis will be allowed to speak if time permits at the Chairperson's discretion. The Chairperson may declare an end to the period for which observers may be heard but a majority of the Commissioners then present and voting may also by motion terminate or extend the time, or set the time limit, for observer remarks which shall supersede any declaration by the Chairperson.

2.2 Special Meetings.

2.2.1 Special meetings of the Charter Commission may be called by the Chairperson or by an affirmative written request given to the Charter Commission Coordinator by at least one-third of the Commissioners. Notice of the time and place of a special meeting must comply with statutory requirements and must be mailed or otherwise delivered at least three days prior to the special meeting.

2.3 Public Meetings.

2.3.1 Public hearings on proposals to amend the Charter conducted in accordance with Rule 5.1 may, but need not, coincide with a regular meeting of the Commission.

2.3.2 At public hearings, the Chairperson may set reasonable time limits for speakers and for the hearing, in his or her discretion, but a majority of Commissioners then present and voting may also by motion terminate or extend the time, or set the time limit for observer remarks which shall supersede any declaration by the Chairperson.

2.3.3 Any speaker must state his/her full name and address and whether such speaker is speaking as an advocate on behalf of a third party or on behalf of himself/herself.

2.3.4 Preference shall be given to residents of the City of Minneapolis desiring to speak at public hearings under Rules 2.3.2 or 2.3.3. Thereafter, non-residents of the City of Minneapolis desiring to speak will be permitted to do so if time permits at the Chairperson's discretion, or by vote of a majority of the Commissioners then present and voting which shall supersede the Chairperson's discretion.

Rule 3. Election, Duties of Officers, and Term.

3.1 Annual election of Commission officers will be held at the first meeting a quorum is present after January 1 of each year. Any officer elected shall continue until a successor is duly elected, unless removed pursuant to Rule 3.4. Candidates for officer positions may self-nominate or may be nominated by other Commissioners.

3.2 The officers of the Commission and the duties of those offices are as follows:

3.2.1 Chair: Presides over the Charter Commission and is the official spokesperson for the Commission.

3.2.2 Vice-Chair: Performs the duties of the Chairperson in the absence of the Chairperson and presides at Commission meetings when the Chairperson steps down from presiding to debate a matter before the Commission.

3.2.3 Secretary: Performs the duties of the Chairperson in the absence of both the Chairperson and Vice-Chairperson and presides when the Chairperson and Vice-Chairperson are absent or wish to debate a matter before the Commission.

3.2.4 Chairperson Pro Tem: Performs the duties of the Chairperson when other officers are absent or wish to debate a matter before the Commission; the Chairperson Pro Tem shall be the most tenured Commissioner then present.

3.3 When a vacancy occurs in any office, such vacancy will be declared at a Charter Commission meeting, and an election for such office will be held at the following Commission meeting. The Chairperson shall be responsible for communications as required with the chief judge of the district court. For this purpose, a vacancy occurs upon resignation from office or the expiration of the Commission term of such officer.

3.4 An officer may be removed by a two-thirds majority vote of Commissioners present and voting.

3.5 Upon a two-thirds majority vote of Commissioners present and voting, the Commission may create such other offices for a period of time and for prescribed responsibilities and duties as the Commission deems appropriate from time to time.

3.6 Any action related to the administration of the Commission which is not specifically provided in these Rules, may be performed by an officer of the Commission, unless otherwise prohibited by Minn. Stat. § 410.01 et seq. or by the Minneapolis Charter.

3.7 The term of office of a Commissioner shall be the maximum term allowed under Minnesota Statutes § 410.05, Subd. 2. A Commissioner shall hold the office as a Commissioner until his/her successor is appointed and qualified as provided under Minnesota Statutes § 410.05, Subd. 2.

Rule 4. Special Committees/Subcommittees.

4.1 The Chairperson of the Commission shall, from time to time, designate, subject to consent by a majority of Commissioners then present and voting, the Commissioners to serve on any subcommittee or special committee of the Commission. Any Commissioner may volunteer to serve and shall be appointed to the subcommittee subject to reasonable limits on the size of the subcommittee determined by the Chairperson. Any member of the Commission has speaking privileges at all subcommittee or special committee meetings but only members of a subcommittee or special committee can vote. All meetings of subcommittees or special committees shall be announced, and, if required, public notice given in accordance with applicable law.

4.2 A quorum of a subcommittee or special committee of the Commission is a majority of the appointed members.

4.3 In accordance with applicable law, only an occasion at which a quorum of a subcommittee or special committee is present and at which Commission business is discussed does a subcommittee or special committee constitute a "meeting."

4.4 Any special committee or subcommittee shall be automatically dissolved once the purpose for which it was formed is complete.

Rule 5. Proposing Charter Amendments to the Commission.

5.1 A request to present a proposal for Minneapolis Charter change shall be filed with the Charter Commission Coordinator prior to the scheduled meeting. The Commission may defer consideration of a proposal to change the Minneapolis Charter which is not filed with the Charter Commission Coordinator at least three business days prior to a scheduled meeting. The Commission will discuss the request at its first meeting after the notice is filed or at its next scheduled meeting thereafter. If a resolution is adopted by obtaining a majority vote of the Commissioners present and voting, the Commission shall also set a time for the resolution to be considered at a public hearing. A public hearing is required prior to placement of a proposed Charter amendment on the ballot unless two-thirds of the Commissioners present and voting vote not to hold a public hearing.

5.2 Charter amendment proposals submitted by voter petition shall be placed on the ballot if properly and timely submitted in accordance with applicable law. The Commission will consider non-petition Charter amendment proposals to be placed on the ballot submitted to it in writing before the Commission's June meeting; provided that there is no assurance that such consideration will be completed by the deadline necessary to place non-petition proposals on the ballot and persons making non-petition Charter amendment proposals are encouraged to submit them at the earliest date possible. Power to limit or extend time of scheduled presentations, other than by Commission members, will be at the discretion of the Chairperson, but a majority of the Commissioners then present and voting may also by motion terminate or extend the time, or set the time limit, for presentations, which shall supersede the Chairperson's discretion.

5.3 No non-petition proposal to amend the Charter or to place the proposed amendment on the ballot may be adopted unless such resolution is, in each case, approved by at least a majority of the Commissioners present and voting.

Rule 6. Procedure for Handling Voter Petitions

6.1 When a proposed amendment by petition is in excess of 1,000 words and a summary has been prepared as required by Minnesota Statute § 410.12, Subd. 1, the Chairperson shall call a special meeting to be held within ten days of the submission of the proposed amendment and summary, to approve the proposed amendment and summary as to form and substance. The Chairperson may appoint a subcommittee, pursuant to Rule 4, to prepare, within ten days after the receipt of the proposed amendment and the summary, revisions to the summary if the summary submitted is not acceptable to the Commission as to form and substance so that the summary fairly complies with the requirements of Minnesota Statute § 410.12, Subd. 1. Within ten days after receipt by the Commission of the proposed amendment and the summary from the proposers, the Commission shall return to the proposers the amendment and the summary with such modifications as the Commission deems necessary in order that the summary may fairly comply with the requirements of Minnesota Statute § 410.12, Subd. 1. Modification of the summary by the Charter Commission shall be signed by enough Commissioners voting in favor of such modification of the summary at the special or regular meeting to constitute the majority needed for passage.

6.2 A voter petition for a proposed Charter amendment under Minnesota Statutes § 410.12, Subd. 3 is filed when the City Clerk receives it on behalf of the Commission.

6.3 Transmittal of the petition for the proposed amendment to the Minneapolis City Council shall be made at a regular or special Commission meeting. The Chairperson shall call a special Charter Commission meeting for the purpose of acting on the transmittal if no regular meeting is scheduled within ten days of the filing.

Rule 7. Motions.

7.1 Motions to table shall be debatable.

7.2 A motion to rescind or reconsider an action of the Commission must be made no later than the next regular meeting of the Commission, except in those instances where proposals for Charter amendments already have been transmitted to the Minneapolis City Council and are no longer subject to rescission. The motion requires a two-thirds vote of the Commissioners present and voting.